

Message Text

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SUBJECT: NEW YORK TIMES ARTICLE ON US ARMY INTELLIGENCE

ACTIVITIES IN WEST BERLIN

1. MAY 15 NEW YORK TIMES CARRIED FOLLOWING FRONT PAGE ARTICLE
TITLED "ARMY OPENED MAIL IN WEST BERLIN". BEGIN TEXT:
ARMY INTELLIGENCE OFFICERS STATIONED IN WEST BERLIN HAVE
OPENED FIRST-CLASS MAIL BETWEEN THERE AND THE UNITED STATES
AND MAY BE CONTINUING TO DO SO, ACCORDING TO TWO AFFIDAVITS
RECENTLY FILED IN CIVIL COURT CASES BY ARMY SECRETARY
MARTIN R. HOFFMANN.

MR. HOFFMAN ACKNOWLEDGED IN ONE OF THE AFFIDAVITS THAT
THE ARMY "INTERCEPTED" IN 1968 A LETTER FROM A MEMBER OF
THE SOCIALIST WORKERS PARTY TO AN ADDRESSEE IN WEST BERLIN,
AND A SECOND LETTER, FOUR YEARS LATER, THAT "MERELY DIS-
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CUSSED" A PARTY MEMBER.

"NOT THEN IN UNITED STATES MAIL CHANNELS." THE AFFIDAVIT WAS SUBMITTED BY THE SECRETARY IN RESPONSE TO QUERIES FROM THE SOCIALIST WORKERS IN CONNECTION WITH ITS LAWSUIT AGAINST SEVERAL FEDERAL INTELLIGENCE AGENCIES.

IN AN AFFIDAVIT FILED IN A RELATED CASE, BROUGHT AGAINST DEFENSE SECRETARY DONALD H. RUMSFELD BY A GROUP OF AMERICAN CITIZENS LIVING IN WEST BERLIN, MR. HOFFMANN SAID, "THE U.S. ARMY CONDUCTS MONITORING OF POSTAL AND TELEPHONE COMMUNICATIONS WITHIN ITS SECTOR OF BERLIN FOR ITSELF AND OTHER UNITED STATES INVESTIGATORY AGENCIES."

ASKED WHETHER MR. HOFFMANN'S STATEMENT COULD BE INTERPRETED AS AN ACKNOWLEDGEMENT THAT THE ARMY WAS CONTINUING TO OPEN MAIL IN WEST BERLIN, AN ARMY SPOKESMAN REPLIED THAT THE SECRETARY RETAINED THE AUTHORITY TO ORDER MAIL INTERCEPTIONS "UNDER CERTAIN VERY RESTRICTIVE CIRCUMSTANCES."

THE SPOKESMAN WAS UNABLE TO COMMENT ON WHETHER ARMY INTELLIGENCE OFFICERS CONDUCTED SIMILAR MAIL OPENING OPERATIONS ELSEWHERE IN THE WORLD OR TO SAY HOW LONG SUCH PRACTICES HAD BEEN UNDER WAY IN WEST BERLIN.

HE DID SAY, HOWEVER, THAT ARMY PERSONNEL "MAY CONDUCT SURVEILLANCE ACTS OVERSEAS DURING THE COURSE OF CRIMINAL, NATIONAL SECURITY OR FOREIGN INTELLIGENCE INVESTIGATIONS" IN COMPLIANCE WITH "APPLICABLE LAWS OF THE HOST COUNTRY," BUT THAT SUCH METHODS COULD BE USED AGAINST AMERICAN CITIZENS ABROAD ONLY WITH THE APPROVAL OF THE SECRETARY OR UNDER SECRETARY OF THE ARMY IN SPECIFIC CASES.

THE CENTRAL INTELLIGENCE AGENCY OPENED AND PHOTOGRAPHED FIRST-CLASS MAIL BETWEEN THE UNITED STATES AND COMMUNIST COUNTRIES BEGINNING IN 1953 BUT ENDED THE PRACTICE IN 1973.

MR. HOFFMANN'S REFERENCE TO "OTHER UNITED STATES INVESTI-
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GATORY AGENCIES" RAISED THE POSSIBILITY THAT THE CIA, THROUGH ARMY INTELLIGENCE, STILL HAS ACCESS TO MAIL FROM THIS COUNTRY OPENED OUTSIDE OF UNITED STATES POSTAL CHANNELS, BUT A CIA SPOKESMAN REFUSED TO SAY WHETHER THIS WAS THE CASE.

THE PLAINTIFFS IN THE SECOND CIVIL SUIT ARE MEMBERS OF THE BERLIN DEMOCRATIC CLUB, WHICH SUPPORTED SENATOR

GEORGE MCGOVERN OF SOUTH DAKOTA, THE DEMOCRATIC
PRESIDENTIAL CANDIDATE IN 1972.

THEIR SUIT, BROUGHT WITH THE ASSISTANCE OF THE
AMERICAN CIVIL LIBERTIES UNION, ALLEGES THAT THE ARMY
SUBJECTED THEM TO WARRANTLESS ELECTRONIC SURVEILLANCE,
INFILTRATED THEIR MEETINGS WITH INFORMANTS AND OPENED
THEIR MAIL.

IN HIS RESPONSE TO THAT CHARGE, MR. HOFFMANN DECLINED TO
COMMENT ON WHETHER LETTERS AND TELEPHONE CALLS TO AND
FROM MEMBERS OF THE CLUB WERE INTERCEPTED IN THE COURSE
OF THE ARMY'S SURVEILLANCE.

IN THE SOCIALIST WORKERS CASE, MR. HOFFMANN DECLINED TO
IDENTIFY THE PARTY MEMBER WHOSE LETTER WAS INTERCEPTED OR
THE INDIVIDUAL WHO WAS DISCUSSED IN THE SECOND INTERCEPTED
LETTER.

BUT SYD STAPLETON, A PARTY SPOKESMANN, SAID HE BELIEVED
THAT A NUMBER OF PARTY MEMBERS HAD CORRESPONDED WITH
GROUPS OF AMERICAN SOLDIERS AND GERMAN SOCIALISTS DURING
THE PERIOD IN QUESTION.

IN BEHALF OF THE ARMY, JUSTICE DEPARTMENT LAWYERS ASSERTED
IN THE CASE OF THE BERLIN DEMOCRATIC CLUB THAT
CONSTITUTIONAL PROHIBITIONS AGAINST SEARCH AND SEIZURE
THAT IS NOT AUTHORIZED BY A JUDICIAL ORDER DO NOT APPLY
TO AMERICAN CITIZENS OUTSIDE THE UNITED STATES.

OTHER JUSTICE DEPARTMENT LAWYERS HAVE SAID PRIVATELY
THAT THEY HAVE CONCLUDED THAT THE CIA'S MAIL INTERCEPTION
PROGRAM, WHICH WAS CENTERED IN NEW YORK, SAN FRANCISCO
AND NEW ORLEANS, WAS CARRIED OUT IN VIOLATION OF FOURTH
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AMENDMENT GUARANTES. END TEXT. KISSINGER

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